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THE ALIENS BILL,  
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# THE ALIENS BILL, 1905.

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Report

OF

LONDON COMMITTEE OF DEPUTIES OF  
THE BRITISH JEWS.

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# THE ALIENS BILL, 1905.

## REPORT

OF

LONDON COMMITTEE OF DEPUTIES OF THE  
BRITISH JEWS.

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THE Aliens Bill of 1905 was introduced into the House of Commons on April 18th, by a speech from the Home Secretary in which he stated that regulations with regard to undesirable aliens comprised an extremely pressing question. He laid stress on the evils which aliens brought in their train, and these he stated to be immorality, crime, overcrowding and living in unsanitary conditions, and the lowering of the native standard of life.

The Jews of this country are particularly interested in these charges, seeing that a large proportion of the aliens arriving in this country are persons professing the Jewish religion.

Dealing with the first two charges, the Committee desire again to place on record the fact, that they have not the slightest desire to champion aliens of immoral or criminal character, and they feel that they are but recording the sentiments of the whole body of Jews in the United Kingdom in stating that they would readily support any measure, however stringent, so far as it should be effectually directed against these objectionable classes.

The remaining charges are sufficiently serious to require investigation.

The Home Secretary's statement that the aliens are responsible for lowering the native standard of life implies, first, that the native standard of life has been lowered during the past fifteen years which have witnessed immigration of aliens, and secondly, that such lowering, if existing, is the work of foreigners. But the largest section of such persons, namely, the Jews who come from Russia and Poland, possess, according to their bitterest opponents, the following admirable qualities, viz.: Sobriety, thrift, industry, ability, determination to rise, perfect family life and a love of sound education. The Committee are of opinion that, even were the presence of any lowering of the standard of life to be noticeable (which they entirely deny), it would require the strongest possible evidence to attribute such reaction to persons endowed with these qualities. Until the contrary is proved, they prefer to consider the charge as merely one of the phrases, instead of facts, on which the opposition to the aliens is largely based.

As to the charge that the alien lives in overcrowded quarters and in insanitary conditions, they would point to the fact that the reports of the sanitary officials of the London County Council show that exactly the same state of things exists among our native population in the Metropolis, particularly in districts which are not frequented by aliens, and it is also rampant to a large extent among our native population in the provincial towns and villages.

The proportion, however, both of aliens and of natives living in overcrowded quarters is extremely small in comparison to the total alien and native population, except perhaps in limited areas. When, however, limited areas are taken, as was done lately by the London County Council, it is found that the East End compares most

favourably with non-alien districts of London. The figures of overcrowding per 100 houses visited on the survey in question showed the following overcrowding:—Lambeth, 26 per cent.; St. Pancras, 31 per cent.; Kensington, 14 per cent.; Mile End Old Town, 2 per cent.; and Whitechapel, 9 per cent. These figures relate not to “Census” overcrowding (which considers a room as overcrowded if it contains more than two persons, *whatever be its dimensions*), but genuine overcrowding—showing less than a limited number of cubic feet of air space per person. It is notorious, moreover, that since the introduction of the Aliens Bill of 1904, overcrowding in the East End is greatly decreased, an ample supply of rooms being available owing to the considerable exodus of aliens from the district. The Committee are of opinion that the overcrowding by aliens, where it exists, is only one phase of a housing problem which is general throughout the country, and that it is due, primarily, to the failure to properly enforce the existing sanitary regulations in a uniform manner. Were it possible, as it should be, to so prosecute rack-renting landlords of slum property that it would not be worth their while to encourage overcrowding, the evil would cease.

#### CONSIDERATION OF THE CLAUSES OF THE BILL.

The Committee now turn to the Aliens Bill to see how it is proposed to cure these so-called “problems of alien immigration.”

The first point is, or should be, to restrict the entry into this country of undesirable elements.

To enable the meaning of the “exclusion clauses” in the Bill to be properly gauged it is necessary to note that

the regulations as to the landing of aliens by Clause 1 (1) are to be applicable to immigrants only, and that they are further restricted to those who land from an immigrant ship. An immigrant is defined by the Bill to be an "alien steerage passenger," other than a mere transmigrant. An "immigrant ship" is defined by the Bill to be a ship which brings to this country more than twenty alien steerage passengers (or such other number as may be fixed).

It would appear to the Committee that the exclusion clauses have, by means of these definitions, been so framed as to be directed solely against the normal immigration traffic.

The Committee are of opinion that this alone constitutes one of the main blots on the present measure, for, as will be shown later, the effect is to free from all onerous restrictions on landing the two most undesirable classes of aliens, namely, the professional criminal, and the class which lives on immorality.

This failure to hamper the ingress of the obviously undesirable is the more inexplicable, as the charge that a considerable number of aliens who arrive are criminals or persons of immoral character was amply proved before the late Commission.

The Bill states that immigrants (*i.e.*, alien steerage passengers) may only land at certain ports, to be later named, and which will be the ordinary well-known ports at which immigrant ships land their passengers. There they will have to pass the scrutiny of an immigration agent, with appeal to a local immigration board.

To escape this scrutiny, all that a member of the criminal or dissolute classes need do is to avoid the ordinary immigrant routes and land at a port, such as Newhaven, Folkestone or Dover (ports largely utilised by

foreign prostitutes) where the regulations will not apply. Or, if a small increase of expense be a matter of little consideration, as is likely in the case of members of these classes, he or she may enter, even at an immigrant port, so long as the arrival is by any class other than steerage. Those responsible for this error in drafting were definitely warned, in the reports of the Alien Commissioners, that the criminal and dissolute aliens who infest this country are a distinct class from the ordinary industrial alien, and enter in a distinct stream, and yet the Bill, in its restriction clauses, legislates against one stream only, and that the one which brings in the industrial alien alone.

The following are the exclusion clauses in the Bill which, in the Committee's opinion, are directed against the industrial aliens, and against such only of the criminal and immoral classes of aliens as voluntarily avoid the loopholes which the Bill offers to them, and chose to enter as "alien immigrants":—

- (1) They may only enter by one of the specified ports.
- (2) They may only land by permission of an immigration officer appointed at such port (who will have with him a medical inspector), with a right of appeal to the local immigration board.
- (3) Such permission may be withheld in the case of any of the following persons:
  - (a) Any alien who cannot show that he has in his possession, or is in a position to obtain, the means of decently supporting himself and any dependents whom he may bring with him.

The wording of this provision fails, owing to the fact that it does not properly define the classes

who are to be excluded. The word "decently" is a relative term only and has no precise meaning. Its insertion in the Bill must be strongly protested against. It will leave it open to each local immigration board to place on the word any interpretation it may desire. Nor does the provision state in what way the alien is to be required to prove that "he is in a position to obtain the means of supporting himself, etc., in such a state of "decency" as the immigration board may arbitrarily require.

In practice the Jewish bodies who have constantly to deal with this class of aliens find it very rare for a Russian or Polish Jew to utterly fail to acquire independence. In all but exceptional cases, a little timely and judicious help, often in the form of a loan only, is sufficient to assure their success. The local immigration board may very possibly consist of persons quite unacquainted with the peculiar qualities of the immigrants, whose fate and future they are called upon to decide. This danger will in a measure be obviated if some member of the Jewish Community, possessing a thorough knowledge of these people, be appointed a member of each immigration board, and should this course be adopted the chance of miscarriages of justice will, to some extent, be lessened.

- (b) Any alien who is a lunatic or idiot or owing to any infirmity appears likely to be a charge upon the rates or otherwise a detriment to the public.

The words of this provision appear to be unnecessarily indefinite, but with this exception no

objection can fairly be raised to these grounds for rejection.

- (c) Any alien who has been sentenced in a foreign country for an extraditable offence.

This provision is free from all objection, except, as stated before, that the very class of aliens against which it is aimed will totally avoid it, by utilising the means of escape which the Bill generously offers to them.

An important exception is made, in connection with these provisions for rejection, in favour of any immigrant who cannot prove means, but who is merely seeking this country to avoid prosecution for a political offence. Your Committee note, with the greatest consternation, that no similar exception is made in the case of refugees from religious persecution.

It is inconceivable that principles of humanity, which have led the framers of the Bill to exclude from its operations, persons who have actually offended the law of their country, should stop short of accordinig similar relief in the case of those whose only crime is their religion.

The distinction becomes as absurd as it is inhumane when one takes a concrete case. Of two Jews who have escaped with their bare lives from the latest attack on the Jews at Kishineff or Gomel, the one, on the ground that he was a proscribed member of a revolutionary society, would be admitted as "desirable," the other, who had joined no society would, *ipso facto*, be an object of rejection.

The second part of the Bill provides for the subsequent expulsion, by the Secretary of State's order, of certain classes of aliens against whose original admission no objection was raised.

The persons so open to subsequent expulsion are the following :—

- (1) Any alien convicted of felony or misdemeanour or other offence for which imprisonment without the option of a fine can be imposed and in whose case the court has recommended expulsion.
- (2) Any alien who, after entry, has been convicted abroad of an extraditable offence (other than a political offence).
- (3) Any alien certified by a court of summary jurisdiction on proceedings taken within twelve months of landing, as having, within three months previous—
  - (a) Been in receipt of parochial relief disqualifying him from the Parliamentary franchise.
  - (b) Been found wandering without ostensible means of subsistence.
  - (c) Been living under insanitary conditions due to overcrowding.

As to (c) your Committee would point out that there is no legal definition in the Bill (or elsewhere) either of "insanitary conditions" or of "overcrowding." In your Committee's opinion there are, as a rule, three parties responsible for overcrowding: (1) the local authorities for not exercising their statutory powers of preventing it; (2) the immediate landlord for permitting and taking a profit from it; and (3) the tenant, who, if a new alien, is possibly ignorant of the laws against overcrowding, which he never sees enforced.

Under the Bill, all but one of these three parties, and that one the least blameworthy, namely, the alien, are to escape punishment.

In the opinion of the Committee, the punishment itself is totally out of proportion to the offence. In a recent house-to-house survey made in an East End borough for the purpose of detecting overcrowding, most of the cases were found to be due to the presence of one, or at most two, children too many, in the rooms found to be overcrowded. The advent of one additional child into a Russo-Jewish family (which on arrival some few months ago had satisfied the most stringent requirements of the immigration board and which, but for the presence of such additional child, would have had the requisite space per person in their rooms to satisfy the sanitary authorities) will make the father liable to be treated as a rogue and a vagabond, until he breaks up his home, and, with his wife and family, delivers himself back into the hands of his oppressors. Nor is this all, for the fourth clause of the Bill imposes further punishments, not on the aliens this time, but on the shipping company, which, some six months before, had brought them to this country.

This fourth clause is as great a blot on the Bill, as the omission to make provision for refugees from religious persecution. It provides, that if an expulsion order is applied for, on any of the grounds before mentioned, within six months after the alien has last entered, and such order is granted by the Home Secretary, the master of the ship which brought the alien in question to England, shall be liable to pay for the maintenance of such alien, his wife, family and other dependents, until they leave the country, and, if the Home Secretary so desires, shall also take them all back, at the company's expense, to the port of original embarkation, and feed and support them during the voyage.

The Committee find it difficult to believe that the Home Secretary has anticipated the full effect of this clause. If, however, he has, it would imply, that, in spite of his assurances to the contrary, he has introduced a measure which is intended to be one of total restraint on industrial alien immigration.

Assume that a shipowner has made the most stringent inquiries before carrying a family to this country, and has ascertained that they are, from every point of view, desirable aliens. The new arrivals pass the entry test satisfactorily, but within six months after landing the father (*a*) is robbed, or falls sick, or from some other cause is forced to apply for parochial relief, or (*b*) he falls into criminal habits, or (*c*) he is found to be living in an over-crowded house or wandering without ostensible means of subsistence. In any of these cases, all of them entirely out of the control of the shipping company, the latter is to be liable to pay the heavy expenses of the support and return of the alien and his dependents to his port of departure.

It is impossible to conceive that any blow more irrational and more vexatious could have been aimed at the shipping companies interested in the immigration traffic, and it can only be anticipated that they will be forced, under such conditions, to refuse to carry further immigrants, by which means the small body of persons who have hoped for a measure of total exclusion will have obtained their object.

The Committee are of opinion that the system, by which the fate of the alien rests ultimately on the decision of the Home Secretary, without any appeal to a competent court, is not conceived in the best interests of justice. The Committee suggest that, whether the case be one of restriction on landing, or of banishment after permission to

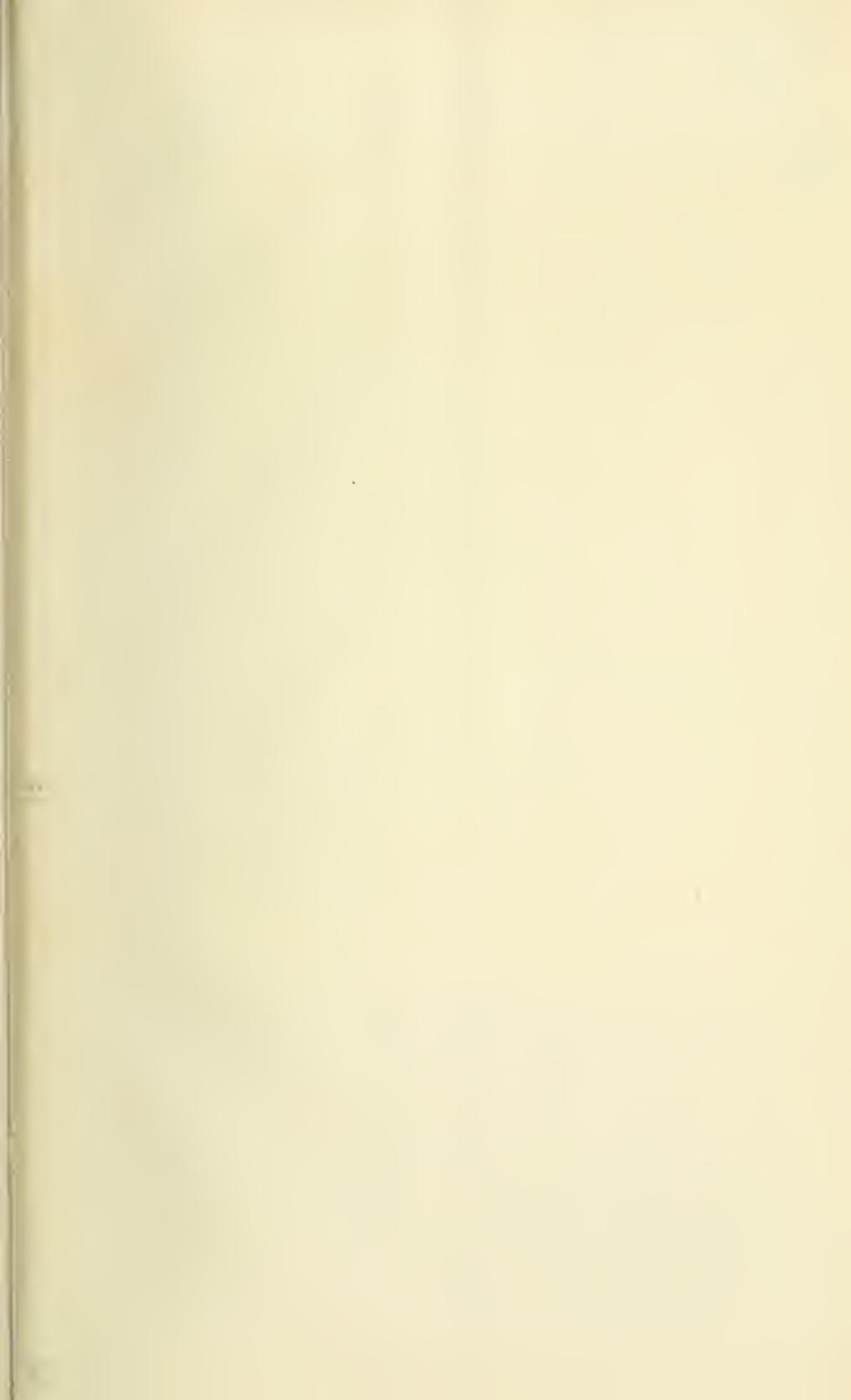
land has been granted, the alien should have a right of appeal to the King's Bench Division. Otherwise, in the case at least of an alien seeking to land, his chance of a livelihood will depend on the arbitrary decision of one or other of the boards created by the Bill, bodies bound by no traditions, and not being courts of record.

In conclusion, the Committee are forced to consider that the present Bill is stultified by the clauses provisions and omissions to which exception has been taken in this report, and are of opinion that, in its present form, it will be likely if not certain, to cause the gravest violations of the ordinary principles of justice. If it passes into law in its present form, the real evils connected with aliens, namely, the free ingress of professional criminals and disreputable persons, will be entirely unaffected, for the reasons already given, and the principle of allowing this country to be used as the permanent home of those foreigners engaged in immoral traffic who care to seek these shores, will have been impliedly established by Statute. The Committee have reason to fear that this very failure to cope with these evils will be urged, in the near future, as grounds for further legislation against the hapless class against which the present Bill is mainly directed, namely, the innocent victims of the cruellest religious persecution of modern times.

19, FINSBURY CIRCUS, LONDON, E.C

*8th May, 1905.*





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